

### **REMARKS**

The present remarks are in response to the Office Action of April 25, 2005. Claims 1-24 are currently pending. Claims 9-24 are withdrawn subject to a restriction requirement issued by the Examiner.

Reconsideration of the application is respectfully requested in view of the following responsive remarks. In the Office Action of April 25, 2005, the following matters were addressed by the Examiner:

- (1) the oral election of Group I, claims 1-8 was formalized by the Examiner in writing;
- (2) claims 1, 2 and 8 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,783,819 (hereinafter "Deardurff"); and
- (3) claims 3-7 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants formally acknowledge the election of Group I, and express appreciation for the allowance of claims 3-7.

### **Rejections under 35 U.S.C. 102(e)**

Before discussing the rejections, it is thought proper to briefly state what is required to sustain such a rejection. It is well settled that "[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). In order to establish anticipation under 35 U.S.C. 102, all elements of the claim must be found in a single reference. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986), *cert. denied* 107 S.Ct. 1606 (1987). In particular, as pointed out by the court in *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1981), *cert denied*, 469 U.S. 851 (1984), "anticipation requires that each and every element of the claimed invention be disclosed in a prior art reference." "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.* 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 2 and 8 were rejected under 35 U.S.C. 102(e) as being unpatentable over Deardurff. Deardurff discloses coated media substrates as well as systems including coated media substrates and inks that interact with the coated media substrate upon printing. The coated media substrates include crown compounds covalently attached to silica through reactive groups. Specifically, with respect to the coated media/ink systems of Deardurff, the discussion related to interaction between the dye and the coated media substrate after printing is related to attraction between i) the dye and the crown compound or ii) the counter ion of the dye and the crown compound. There is no teaching or suggestion of specifically selecting dyes (from the ink) and ligands (attached to the inorganic porous particulates) that will react to form a covalent bond.

Claim 1 of the present application specifically requires that the first reactive group which is covalently attached to the inorganic porous particulates is configured to react with the second reactive group of the dye to form a covalent bond. See claim 1, line 10. This is what is meant by permanent in the context of the application and claims. As Deardurff does not teach or suggest this concept, but rather, focuses on attraction rather than covalent bonding, Deardurff cannot form the basis of a novelty rejection under 35 U.S.C. 102(e). Further, though the Applicants would not agree with such a rejection, if the Examiner is of the opinion that an obviousness rejection is merited, then such a rejection would fall under 35 U.S.C. 103(c), and the claims as filed would still be allowable. Reconsideration of the present application is respectfully requested on these grounds.

In view of the foregoing, Applicants believe that claims 1-8 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains, and such impediment could be resolved during a telephone interview, the Examiner is invited to telephone the assignee's counsel, W. Bradley Haymond at (541) 715-0159, so that such issues may be resolved as expeditiously as possible.

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Dated this 22<sup>nd</sup> day of July, 2005.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gary P. Oakeson", is written over a horizontal line.

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